

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

MAY 10 2004

OFFICE OF
MANAGING DIRECTOR

James F. Cavanaugh
President
Southeast Cable TV, Inc.
222 Cotton Dike Road
St. Helena Island, SC 29920

Re: Southeast Cable TV, Inc.
Fiscal Year 2003 Regulatory Fee
Fee Control No. 00000RROG-04-045

Dear Mr. Cavanaugh:

This is in response to your request dated March 9, 2004, filed on behalf of Southeast Cable TV, Inc. (Southeast Cable) for a waiver of the late charge penalty for late payment of the fiscal year (FY) 2003 regulatory fee. Our records reflect that Southeast Cable has not paid the \$254.92 late charge penalty.

In your request, you state that from 1994 through 2002, Southeast Cable "received in the mail FCC public notices, instructions and forms and made timely payments of the prescribed regulatory fees." You state that on November 13, 2003, you realized that you "had not received a 2003 FCC notice nor paid the 2003 fee." You state that you "immediately called the FCC and was told [that] no package was mailed for 2003, [that] this change was posted on the FCC web site and in the official legal proceedings in Washington, D.C., but no notice of change was mailed to licensees[.]" You state that you were "told to use last year's undated remittance advices, that there had been no changes to the instructions and that the 2003 per subscriber fee had been increased to 66 cents." You state that on the same day (i.e., November 13, 2003), you mailed the "remittance[,] charging the fee to [your] personal Visa card, as [you] . . . had done for the [past] . . . several years." You state that when the Visa charge didn't appear on your December 19, 2003 statement, you called the Commission and were advised "that a new rule had been made requiring [you] . . . to apply for and receive a personal FRN [i.e., FCC Registration Number] and Password" and until this was done, your payment would not be processed. You state that you requested the necessary forms, which you received from and mailed back to the Commission on January 15, 2004. You state that on January 27, 2004, you received two letters from the Commission advising you of your FRN and password. You also state that the Visa charge was processed on January 5, 2004. You assert that you acted promptly and in good faith to "correct the situation[.]"

The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. Your request does not indicate or substantiate that Southeast Cable met this obligation. Although Southeast Cable may have relied upon receiving certain forms from the Commission in paying the company's regulatory fees, this does

not support a waiver of the late charge penalty. The Commission clearly stated that licensees such as Southeast Cable were required to pay FY regulatory fees by the payment deadline (September 25, 2003) or be subject to a late charge penalty for late payment of the regulatory fee. *See Assessment and Collection of Regulatory Fees for Fiscal Year 2003, Report and Order*, 18 FCC Rcd 15985, 15998 (2003) (*FY 2003 Regulatory Fee Report and Order*); *Public Notice, Federal Communications Commission Extends the Filing Deadline Date of FY 2003 Regulatory Fee*, 18 FCC Rcd 18748 (released Sept. 22, 2003) (*FY 2003 Regulatory Fee Public Notice*). Both of these documents were placed on public notice by publication in the Federal Register.¹ Further, although Southeast Cable may have been unaware of the Commission's requirement that persons and entities doing business with the Commission obtain an FCC Registration Number and supply it with payment transactions (including when paying FY regulatory fees), this also provides no basis for a waiver of the late charge penalty. The Commission has required persons and entities to use an FCC Registration Number when doing business with the Commission since December 3, 2001.² The adoption of this requirement followed public notice and comment and was published in the Federal Register.³ In addition, although Commission staff may not have advised you on November 13, 2003 as to the FRN requirement, this does not support a waiver of the late charge penalty because the FY 2003 regulatory fee payment was already overdue by then. Therefore, your request for a waiver of the late charge penalty for late payment of the FY 2003 regulatory fee is denied.

¹ *See FY 2003 Regulatory Fee Report and Order*, 68 Fed. Reg. 48446-01 (2003); *see also FY 2003 Regulatory Fee Public Notice*, 68 Fed. Reg. 53609 (2003).

² *See Amendment of Parts 1, 21, 61, 73, 74 and 76 of the Commission's Rules, Adoption of a Mandatory FCC Registration Number, Report and Order*, 16 FCC Rcd 16138, 16143 (2001) ("persons and entities doing business with the Commission [are required] to acquire an FRN and to provide it with all applications or feeable filings as well as other transactions involving the payment of money."), published at 66 Fed. Reg. 47890 (2001); *see also Public Notice, FCC's Fee Filer Available for Online Submission of Fiscal Year 2002, Regulatory Fees and Data*, 17 FCC Rcd 15412 (2002) ("[Regulatory fee p]ayments received without an FRN will be retained by the Commission, which will notify the filer that the payment was received without an FRN and that proper credit will not occur until the FRN is provided.").

³ *See Adoption of a Mandatory FCC Registration Number, Notice of Proposed Rulemaking*, 15 FCC Rcd 24370 (2000), published at 65 Fed. Reg. 78455 (2000); *see also supra* fn. 2.

Accordingly, payment of the 25 percent late charge penalty of \$254.92 is due. The late charge penalty should be submitted, together with a copy of Bill No. 0420000152 (copy enclosed) within 30 days of the day of this letter. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', with a large, stylized initial 'M'.

Mark A. Reger
Chief Financial Officer

Enclosure

FLL

Tom

ACCOUNT PRO
GROUP PT/R

St. Helena Island, SC., 29920

March 9, 2004

C., 29920
Walter
Reynolds

MAR 26 2004

I again called the FCC when the FCC Visa charge didn't appear on my 12/19/03 statement and was told that a new rule had been made requiring me to apply for and receive a personal FRN and Password and until I did so; my payment would not be processed. I requested the necessary forms be mailed to me.

I received the forms on 1/15/04 and completed and mailed them to the FCC on the same day.

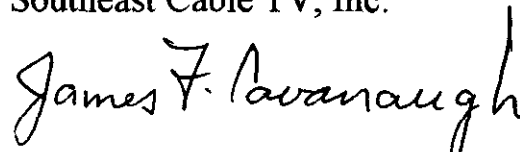
I received two FCC letters dated 1/27/04 advising me of my FRN and password.

The FCC Visa charge was processed on 1/5/04.

Licensee respectfully suggests that it acted promptly and in good faith to deal with and correct the situation described above, and accordingly requests a waiver of the late penalty.

Thank you for your time and consideration.

Sincerely,
Southeast Cable TV, Inc.


James F. Cavanaugh, President

Bill Processing

Document Number 0420000152

FRN 0000016162

SOUTHEAST CABLE TV INC

F1 NEXT

F9 EXIT

BILL TW1979 - YOU ARE IN MODIFY MODE - PRESS F9 TO EXIT

RANIS ACCOUNTS RECEIVABLE SUBSYSTEM

(c) DSG, Inc.

Add/Modify Billing Information

Document Number 04200000152

FRN 0000016162

SOUTHEAST CABLE TV INC

Bill Date 01/07/04 Bill Amount \$254.92

Bill Type FINE Bill Paid \$0.00

Bill Due Date 02/06/04 Bill Balance Due \$254.92

Dunning Indicator Bill Cycle Interest Due \$0.00

Referral Code Waiver Penalty Due \$0.00

Print Seq # 00013307 Waiver Date Admin Chg Due \$0.00

Transaction Date 03/29/04 Acct Period 06 Total Due \$254.92

Bill Description Assess penalty for late regulatory fee

Line Item Sequence 001 BFF FUND PROG ORG PROJ BOC TYPE

Accounting Classification Code 2003 08 90 9500 065 0199

Product No. 0399 Quantity 1 Item Amount \$254.92

Document Status 0 Item Paid \$0.00

Transaction Code Item Balance Due \$254.92

Reference Type Reference No. 0401068835822002 Line 001

Bureau File No. 20

Item Description payment not received by 09/25/03

Fy Days 360 Rate 3.00

F1 NEXT F2 PREV F3 VERIFY F4 CRM F6 SAVE F8 BACK F9 EXIT

3/29/2004 ARIPNL2

FRN	Type	Status	Name & Address
0000016162	C		SOUTHEAST CABLE TV INC 222 COTTON PIKE ROAD SAINT HELENA ISLAND, SC 29920

Fed. ID No.
592847772
POC: JAMES F CAVANAUGH
PHONE: 843-838-7713
FAX NO.:

EMAIL:

RAMIS ACCOUNTS RECEIVABLE SUBSYSTEM

(C) DSG, Inc.

Copy

Receipt Processing - Voucher

Fee Control Number 0401068835822002 Customer No. 0000016162

SOUTHEAST CABLE TV INC

CD Number 202009

Date Received 01/02/04

Type Collection FEE

CD Date 01/06/04

Payment Type CCARD

Accounting Period

Transaction Date 01/02/04

Description

Receipt Amount \$1,019.70

Applied Amount \$1,019.70

Selected Credit Amt

New Customer Credit \$0.00

Available Amount

Refund Amount \$0.00

Requested Refund Amt \$0.00

Reason

F1 PAYER

F2 DETAILS

F6 UPDATE

F9 EXIT

2/24/2004 ARPNI1F

**Federal Communications Commission
BILL FOR COLLECTION**

FOR INDUSTRIES CALL
1-202-418-1995
(Revenue & Receivable Ops Group)

Copy

Bill Number		Current Bill Date
0420000152		2/07/04
PAYER FRN#	APPLICANT FRN#	
0000016162	0000016162	
SOUTHEAST CABLE TV INC 222 COTTON PIKE ROAD SAINT HELENA ISLAND, SC 29920		
Payable to: Federal Communications Commission Send a copy of this bill to: Federal Communications Commission REVENUE & RECEIVABLE OPER. P.O. BOX 358340 PITTSBURGH, PA 15251-8340		

Total Amount Due	Due Date
\$254.92	2/06/04
Total Amount Due Must Be Received By	

SPECIAL INSTRUCTIONS (OPTIONAL)

PAYER FCC REGISTRATION NUMBER (FRN) REQUIRED

Assess penalty for late regulatory fee payment not received by 09/25/03

FCN 0401068835822002 CALL SIGN GA0407

PAYER ADDRESS SOUTHEAST CABLE TV INC
 222 COTTON PIKE ROAD

 SAINT HELENA ISLAND, SC 29920

Please write your bill number on your remittance.
 Please attach a copy of this bill to your payment to ensure proper credit.

PTC	Quantity	Fee Due
0399	1	\$254.92

Total Due	\$254.92
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Payment Method:	<input type="checkbox"/> Check <input type="checkbox"/> (Attach) <input type="checkbox"/> Credit Card <input type="checkbox"/> (Complete Below)
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- | | |
|-------------------------------------|---|
| <input type="checkbox"/> MasterCard | <input type="checkbox"/> American Express |
| <input type="checkbox"/> VISA | <input type="checkbox"/> Discover |

Account No

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Expiration

Month		Year	

I hereby authorize the FCC to charge my Credit Card for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE



Federal Communications Commission
Washington, D.C. 20554

Copy

March 3, 2004

SOUTHEAST CABLE TV INC
222 COTTON PIKE ROAD
SAINT HELENA ISLAND, SC 29920

Re: Bill No. 0420000152

Dear Licensee:

This letter is notice that you were late paying your 2003 annual regulatory fee(s). Payment of regulatory fees was due to the Federal Communications Commission (FCC) by 11:59 pm, September 25, 2003. Your fee payment of \$1,019.70 was received on January 2, 2004.

In accordance with Section 9 [47 USC 159(c)(1)], a 25 percent late penalty in the amount of \$254.92 has been assessed. Unless you can show just cause why the penalty is inapplicable, payment is due within 30 days from the date of this letter.

Payment should be sent to the Federal Communications Commission, Regulatory Fees, P.O. Box 358340, Pittsburgh, PA 15251-8340, along with a copy of the enclosed billing invoice.

If you have any documentation that will establish that the fee was remitted and received at Mellon Bank by September 25, 2003, such as a carrier dated receipt, please include this documentation with your response and your record(s) will be adjusted accordingly.

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined in 47 CFR, Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why any existing instruments of authorization should not be revoked. Further sanctions include interest charges and the full cost of collection to the Federal government pursuant to Section 3720A of the Internal Revenue Code, 31 USC 3717, and the provision of the Debt Collection Improvement Act, 31 USC 3717.

If you have any questions, you may contact my office at (202) 418-1995.

Sincerely,

Claudette E. Pride, Chief
Revenue and Receivables Operations Group

Enclosure